

**PLANNING COMMISSION MINUTES**  
**January 7, 2016**

**PUBLIC HEARING**

**CASE NO. 15ZONE1050**

Request: Change in zoning from R-6 to OR-3 and C-2 with waivers  
and a variance  
Project Name: Bradford Mill Lofts  
Location: 1124, 1130, 1132 Reutlinger Avenue and 1034 East Oak  
Street

Owner: Bradford Mills, LLC  
10531 Timberwood Circle, Suite D  
Louisville, Ky. 40223

Carl and Charles Boyd

William and Beverly Donan  
P.O. Box 4395  
Louisville, Ky. 40204-0395

John Gerstle  
P.O. Box 43071  
Middletown, Ky. 40253-0071

Applicant: Marian Development Group

Representative: Milestone Design Group  
Dour Ernst  
108 Daventry Lane, Suite 300  
Louisville, Ky. 40223

Clifford H. Ashburner, Esq.  
Wyatt, Tarrant & Combs, LLP  
500 West Jefferston Street, Suite 2800  
Louisville, Ky. 40202

Dinsmore and Shohl  
101 South 5<sup>th</sup> Street, Suite 2500  
Louisville, Ky. 40202

Jurisdiction: Louisville Metro  
Council District: 10-Pat Mulvihill  
**Case Manager: Julia Williams, RLA, AICP, Planner II**

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Notice of this public hearing appeared in The Courier Journal, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

01:44:54 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Cliff Ashburner, Dinsmore and Shohl, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, Ky. 40202

Mark Madison, Milestone Design Group, 108 Davenport Lane, Louisville, Ky. 40223

Mike Morris, 947 Goss Avenue, Louisville, Ky. 40217

Steve Magre, 1122 Rammers Avenue, Louisville, Ky. 40204

**Summary of testimony of those in favor:**

01:57:28 Mr. Ashburner stated the building is a National Registry building and the applicant will use state and federal tax credits, which means the design of the building is approved by the National Park Service Historic Preservation Office. The project has Phase 2 approval. There is additional off-site parking and it will be striped. There will also be a fence and landscaping added to the site.

02:19:38 Vice Chairman Proffitt stated, regarding parking spaces, "The minimum required is what we're concerned about and that's 118." Commissioner Brown added, "The compact spaces being provided on site can't be counted toward meeting your minimum parking required."

02:24:05 Mr. Madison will figure out if the proposed parking is correct.

02:28:36 Mr. Morris said he will answer questions if needed. The property is the worst eyesore in the neighborhood. It's razor wire on top of the fence instead of barbed wire.

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02:31:58 Mr. Magre read a letter from his wife, who is president of the Neighborhood Association. This project is major, please don't hold it up.

02:44:47 Mr. Ashburner said they are short 7 parking spaces in terms of standard size spaces. "We can lose 1 compact parking space, turn the remainder into standard spaces and end up with 145 total and meet the requisite number of standard spaces. I would ask in making any motion concerning the development plan, that you acknowledge that change and direct that if the change is approved by Planning staff, then the plan is deemed approved."

02:46:20 Mr. Ashburner is also proposing a binding element regarding the C-2. A copy was given to the commissioners.

**The following spoke in opposition to this request:**

James Lynch, 1903 Hurstbourne Circle, Louisville, Ky. 40220

**Summary of testimony of those in opposition:**

02:54:47 Mr. Lynch stated he's concerned about parking, noise and property values. The operation of the tavern/restaurant is a main concern. Also, what are the hours of operation and will there be outdoor music?

Mr. Lynch wants protection for the neighbors and requests a 90 day continuance.

**The following spoke neither for nor against the request:**

Melvin Huber, 6801 West Highway 146, Crestwood, Ky. 40014

**Summary of testimony of those neither for nor against:**

02:49:20 Mr. Huber likes the proposed development but parking is an issue. Parking on E. Oak St. is very valuable. People who ride a bike or bus will probably still have a car and those spaces should be made available by the applicant and not count on off-site parking. The applicant should either reduce the number of units or acquire more space for parking lots.

**Rebuttal:**

03:04:25 Mr. Ashburner stated there are very few homes without alley access so there are opportunities for people to park. The mixed use amenity space won't be a

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bar, it will be a restaurant that will serve alcoholic beverages, but have a family atmosphere.

Also, the applicant will revise the ILAs in the central parking row to allow for 19 standard spaces. "We will work with staff."

**Deliberation**

03:14:23 The commissioners are in agreement that the proposal is appropriate and should benefit the entire neighborhood.

**An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Zoning Change from R-6 to OR-3 and C-2**

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution was adopted.

**WHEREAS**, The Traditional Neighborhood Form District is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity.

There is usually a significant range of housing opportunities, including multi-family dwellings; and

**WHEREAS**, the Louisville Metro Planning Commission finds, traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces; and

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**WHEREAS**, the Louisville Metro Planning Commission further finds the proposal does not affect the existing street pattern. Sidewalks are provided within all rights of way. The proposal is for a zoning district that permits neighborhood serving uses. The proposal preserves public open spaces and the public realm of the right of way. New open spaces are created with the proposal. The proposal is for the preservation and renovation of existing buildings for commercial or residential purposes. The existing structure is historic and represents the industrial past of the neighborhood. The proposal will not create a new center but is considered a repurposing of an existing center. The proposal is located in a higher density single family residential neighborhood. The proposal is compact and results in an effective land use pattern. The areas infrastructure is already set up to serve an industrial which indicates it will be able to serve residential as well, which is cost effective. The proposal is for mixed use which will reduce trips and will support alternate transportation with sidewalks around the site. Transit is located nearby along E Oak Street which will serve the site as well.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of Case No. 15ZONE1050, change in zoning from R-6 to OR-3 and C-2 based on the staff report and testimony heard today.

**The vote was as follows:**

**YES: Commissioners Brown, Jarboe, Kirchdorfer, Lewis, Peterson, Proffitt, Tomes and Turner**

**NOT PRESENT AND NOT VOTING: Commissioners Blake and White**

**VARIANCE**

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution was adopted.

**WHEREAS**, The requested variance will not adversely affect the public health, safety or welfare since the encroachment is buffered between the site and the adjacent single family residential and roadway; and

**WHEREAS**, The requested variance will not alter the essential character of the general vicinity since the encroachments are being buffered and screened per Chapter 10; and

**WHEREAS**, The requested variance will not cause a hazard or nuisance to the public since the encroachments are being buffered and screened per Chapter 10; and

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**WHEREAS**, The requested variance will not allow an unreasonable circumvention of the zoning regulations since the proposed parking lot provides the minimum required parking module width and since the landscape buffer areas plantings are being provided; and

**WHEREAS**, The property is historically industrial with no original parking requirements for the original use. Parking is being provided where there was none historically and that parking is encroaching into the setbacks. Therefore, the requested variance arises from special circumstances which do not generally apply to land in the same zone; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the strict application of the provision would deprive the applicant of reasonable use of the land since the setbacks are being encroached upon due to meeting the minimum parking requirements for the site.

**WHEREAS**, the Louisville Metro Planning Commission further finds the circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

**WAIVER of section 5.4.1.G.3 to permit parking in front of the principal structure along Reutlinger Ave.**

**WHEREAS**, The waiver will not adversely affect adjacent property owners since safe pedestrian access is provided from the public rights-of-way to the building entrance via existing sidewalks. Parking is located to the side of the structure and will be screened per the LDC; and

**WHEREAS**, Guideline 2, policy 15 states to encourage the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 3, policy 1 states to ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 3, policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. Guideline 7, policy 3 states to evaluate developments for their ability to promote mass transit and pedestrian use, encourage higher density mixed use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation choices. Guideline 9, policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with location of retail and office uses, especially in the Traditional Neighborhood, Village, Marketplace Corridor, Traditional Workplace Form Districts close to the roadway to minimize the distance pedestrians and transit users

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have to travel. The purpose of the requirement is to promote mass transit and pedestrian use and reduce vehicle trips in and around the site, and to reduce the distance pedestrians and transit users have to travel. The waivers are compatible with the pattern of development within the form district, and there are physical restraints preventing compliance with the regulations to be waived. Therefore, the waiver will not violate specific guidelines and policies of Cornerstone 2020; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is not building a new structure and is creating parking for a site that currently has none other than on street parking; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the applicant has incorporated other design measures that exceed the minimums of the district to compensate for non-compliance with the requirements to be waived. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the applicant is not building a new structure and is creating parking for a site that currently has none other than on street parking.

**WAIVER of section 10.2.10 to reduce the required VUA LBA from 5' to 3' along both the unnamed alley and Reutlinger Ave.**

**WHEREAS**, The waiver will not adversely affect adjacent property owners since the planting requirements will still be met; and

**WHEREAS**, The waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is creating parking on the site where there has not historically been parking for a mixed use development on the site; and

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**WHEREAS**, the Louisville Metro Planning Commission further finds the applicant has incorporated other design measures that exceed the minimums of the district to compensate for non-compliance with the requirements to be waived. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the planting requirements will still be met on the site.

**WAIVER of Table 5.4.1.G.3 to permit the top of the garage door to be above the existing grade of the adjacent roadway (Reutlinger Ave.).**

**WHEREAS**, The requested waiver will not adversely affect adjacent property owners since there is an existing loading dock in the location of the proposed garage door; and

**WHEREAS**, Guideline 3, policy 1 and 2 calls for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a non-residential use. The Land Development Code provides building design standards for non-residential and mixed use buildings. The purpose of the regulation is to provide visual interest and a human scale that are representative of the form district. The removal of the loading dock to provide a garage door and underground parking access meets form district standards and adds a more residential appearance to the façade; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the garage entrance is to gain access to an underground parking area; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the applicant has incorporated other design measures that exceed the minimums of the district to compensate for non-compliance with the requirements to be waived. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the garage entrance is to gain access to an underground parking area.

**WAIVER of section 10.2.4. to eliminate the required 10' LBA between the OR-3 and C-2 zoning.**



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**WHEREAS**, The waiver will not adversely affect adjacent property owners since the adjacent property owners are part of the project itself; and

**WHEREAS**, Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate.

Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. Since the zoning is being created by the property owner and the property owner is the only adjacent and the building is existing there is no need for a buffer between different zoning districts in this scenario; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the building is existing and would have to be removed to provide the buffer; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the applicant has incorporated other design measures that exceed the minimums of the district to compensate for non-compliance with the requirements to be waived. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the building is existing and would have to be removed to provide the buffer.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the following: a variance from chapter 5.5.2 to permit parking to encroach into the 3 foot street side yard along Reutlinger Ave., the 15 foot rear yard setback adjacent to the

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Rudd property and the 10 foot side yard adjacent to the unnamed alley; Waiver 1) a waiver from chapter 5.4.1.G.3 to permit parking in front of the principal structure along Reutlinger Ave.; Waiver 2) a waiver from chapter 10.2.10 to reduce the required VUA LBA from 5 feet to 3 feet along both the unnamed alley and Reutlinger Ave.; Waiver 3), a waiver from table 5.4.1.G.3 to permit the top of the garage door to be above the existing grade of the adjacent roadway (Reutlinger Ave.); and Waiver 4) a waiver from chapter 10.2.4 to eliminate the required 10 foot LBA between the OR-3 and C-2 zoning based on the staff report and testimony heard today.

**The vote was as follows:**

**YES: Commissioners Brown, Jarboe, Kirchdorfer, Lewis, Peterson, Proffitt, Tomes and Turner**

**NOT PRESENT AND NOT VOTING: Commissioners Blake and White**

**Development Plan and Binding Elements**

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution was adopted.

**WHEREAS**, There does not appear to be any environmental constraints on the subject site. The proposal preserves a historic industrial building that is on the National Register of Historic Places; and

**WHEREAS**, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

**WHEREAS**, Open space requirements are being met on the site; and

**WHEREAS**, The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways; and

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**WHEREAS**, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 15ZONE1050, the Detailed District Development Plan and binding elements on page 18 of the staff report in addition to the applicant's proposed binding element restricting certain uses on the site and **ON CONDITION** that the on-street parking space striping is removed from the development plan and the applicant is able to show that sufficient parking is being provided both on site, in the garage and on-street to meet the minimum parking requirement and there is a resolution on whether there is a TARC stop along East Oak St. at the site or not based on the staff report and testimony heard today.

**Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 177,000 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from

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- Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
- b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
  7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
  8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

**Applicant's Proposed Binding Element**

The following permitted C-1 and C-2 uses will not be allowed in the C-2 portion of the subject property without approval from the Planning Commission or one of its committees after a public meeting of the committee or Commission. All those that received notice of the January 7, 2016 public hearing shall be provided written notice of the meeting by mail, postmarked at least 14 days in advance of the date of the meeting. The committee or Commission shall base any decision on whether to allow such uses on the criteria applicable to the modification of a binding element.

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**C-1 Commercial District**

1. Automobile rental agencies with no more than 25 rental passenger vehicles stored on site, no more than two service bays for cleaning or maintenance and having no repair or storage/dispensing of fuel
2. Automobile parking areas, public and private
3. Automobile service stations with service bays for repair of no more than two vehicles (see definition of Automobile Service Station for the type of repairs permitted)
4. Bed and breakfasts
5. Boarding and lodging houses
6. Car washes having prior approval by the agency responsible for traffic engineering
7. Community residences
8. Community Service Facility
9. Ice storage houses of not more than five (5) ton capacity
10. Medical laboratories
11. Pawn shop
12. Rental businesses offering items whose sale is a permitted use in this district, video cassette and similar products, rental and sales but not constituting an adult video cassette rental center
13. Veterinary hospital, provided the operation is conducted within a sound-proofed building, no animals are boarded and there are no runs or pens outside of the building

**C-2 Commercial District**

1. Automobile rental agencies
2. Automobile repair agencies
3. Automobile sales agencies
4. Billiard parlors, game rooms and similar entertainment uses
5. Bingo halls and parlors
6. Boat sales and related storage
7. Building materials, storage and sales provided all operations are totally enclosed in a building
8. Cleaning, pressing and dyeing establishments using non-flammable and non-explosive cleaning fluid
9. Community Service Facility
10. Contractor's shop, including but not limited to, building, electrical, HVAC, landscape and plumbing contractors, provided all operations are confined within a building
11. Dance halls
12. Flea market
13. Fraternities, sororities, clubs and lodges excluding those where the chief activity of which is a serve customarily carried on as a business
14. Indoor paint ball ranges
15. Plumbing and heating shops, storage and sales provided all operations are totally enclosed in a building
16. Printing, lithographing or publishing establishments, if constructed to insure that there is

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- no noise or vibration evident outside the walls of the buildings
17. Public utility buildings and facilities
  18. Rubber stamp manufacturing, where products are sold on premises
  19. Sign painting
  20. Tattoo, body art and piercing parlors
  21. Used car sales areas, provided that no repair or re-conditioning of automobiles or storage of parts shall be permitted except when enclosed in a building
  22. Uses located totally within the caverns developed under a Conditional Use Permit for Underground Space shall be considered to meet the requirement of confinement within a building

**The vote was as follows:**

**YES: Commissioners Brown, Jarboe, Kirchdorfer, Lewis, Peterson, Proffitt, Tomes and Turner**

**NOT PRESENT AND NOT VOTING: Commissioners Blake and White**

**MINUTES OF THE MEETING  
OF THE  
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

**December 10, 2015**

**New Cases**

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**Request:** Change in zoning from R-6 to OR-3 and C-2  
with Waivers and a Variance

**Project Name:** Bradford Mill Lofts

**Location:** 1124, 1130, 1132 Reutlinger Ave. and 1034 E.  
Oak Street

**Owner:** Bradford Milla LLC  
Carl & Charles Boyd  
William Donan  
John Gerstle

**Applicant:** Marian Development Group

**Representative:** Milestone Design Group  
Cliff Ashburner – Dinsmore & Shohl

**Jurisdiction:** Louisville Metro

**Council District:** 10 – Patrick Mulvihill

**Case Manager:** **Julia Williams, RLA, AICP, Planner II**

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Agency Testimony:**

02:17:20 Julia Williams presented the case and showed the site plan (see staff report and recording for detailed presentation.)

**The following spoke in favor of the request:**

Cliff Ashburner, Dinsmore & Shohl LLP, 101 S. Fifth St., Suite 2500, Louisville, KY 40202

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 N. Hurstbourne Parkway, Louisville, KY 40223

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Mark Madison, Milestone Design Group, 108 Daventry Lane Suite 300,  
Louisville, KY 40223

**Summary of testimony of those in favor:**

02:22:23 Cliff Ashburner, the applicant's representative, presented the applicant's proposal and showed a Power Point presentation (see recording for detailed presentation.) He added that trip generation numbers will be made available at the public hearing.

02:31:58 Commissioner Brown asked about the dimensions of parking; also, he said the sidewalk along Reutlinger was not clearly depicted on the plan. Mr. Ashburner said the plan shows a 6-foot verge.. The Oak Street frontage was also discussed.

02:33:44 In response to a question from Commissioner Brown, Mark Madison said the plan would be revised to show the urban concrete approaches on all the entrances.

02:33:53 Commissioner Brown requested a trip generation study. He also asked for a rendering of the overhead garage door. Mr. Ashburner discussed the waiver request for the door.

**The following spoke in opposition to the request:**

Jim Lynch, 1903 Hurstbourne Circle, Louisville, KY 40220

Chip Huber, 6801 W. Hwy 146, Crestwood, KY

**Summary of testimony of those in opposition:**

02:35:56 Jim Lynch, an owner of a convenience store on Oak Street. He discussed concerns about parking and said the applicant had not allowed for overnight guests, no surplus, etc. He said he had asked for deed restrictions, and said the building has to blend into the neighborhood. He expressed concerns about the C-2 zoning, and the music/noise from the patio deck.

02:42:14 Mr. Ashburner said the developer of this project has a greater interest in the operation of the restaurant than the neighbors. He said C-2 is needed to allow for outdoor dining; however, he does not see this turning into a



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nightclub. He discussed deed restrictions versus binding elements, and said the applicant would be willing to talk about binding out certain C-2 uses.

02:44:52 In response to a question from Commissioner Jarboe, Mr. Ashburner listed some of the issues that were discussed at the neighborhood meeting, which included but was not limited to parking, the use, and deed restrictions. He reiterated that it was in the developer's interest to have enough parking for tenants/customers. In response to a question from Commissioner Turner, Mr. Ashburner said he did not know the hours of operation for the restaurant because there is no restaurant operator yet.

02:47:23 Chip Huber said he owns properties in this block. He said he is in favor of the project as a whole, but has concerns about parking. He said he is also in favor of turning Oak Street into a two-way street.

**The following spoke neither for nor against:**

No one spoke.

**02:49:00 The Committee by general consensus scheduled this case to be heard at the February 4, 2016 Planning Commission public hearing.**